

## REMARKS

Claims 1-8 are pending in the application. Claims 1-4, 6, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over applicant's admitted prior art in view of Ellesson et al. (Ellesson).

Applicant claims QoS setting means for setting QoS which the ATM network ought to guarantee, based on the statistical information.

Ellesson teaches "The invention involves controlling packet traffic in an IP network of originating, receiving and intermediate nodes to meet performance objectives established by service level agreements." (col. 3, lines 8-20).

Nowhere does Ellesson teach utilizing the LAN traffic statistics to determine a setting of QoS in an ATM network.

Ellesson describes an ATM network may be a backbone network (col. 3, lines 60-65), however there is no suggestion that the invention of Ellesson as describe may be used in an ATM backbone network to set or utilized in ATM call connection to set QoS of the ATM network.

Ellesson col. 5, lines 7-30, describes packet transformation, however again there is no suggestion of ATM network

It is respectfully submitted Ellesson teach controlling packet traffic in an IP network to meet performance objectives established by service level agreement.

The ABSTRACT of Ellesson describes encoding the Headers of the packets to determine their network priority. This is detailed in col. 8, lines 16-26 for example. Again only IP is described

The cited reference does not address the claimed feature that the quality of service is set in an ATM network based on the statistical information from the traffic of the LAN. In reviewing the Ellesson reference the only mention of an ATM network is in column 3, lines 55-64.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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Brian S. Myers  
Reg. No. 46,947

CUSTOMER NUMBER 026304

Katten Muchin Zavis Rosenman  
575 Madison Avenue  
New York, NY 10022-2585  
(212) 940-8703  
Docket No.: FUJR 16.835 (100794-09765)  
BSM:fd